

REMARKS

This Response follows the telephone conference of 06 September 2007, between Examiner Gregory Adams and the undersigned attorney for Applicant. As discussed during the conference, Applicant has adopted language clarifying the nature of the traveling conveyor recited in claim 1.

The Office Action contained rejections of the claims under 35 USC §§102 and 103, which will be responded to below.

a. Response to Rejections to Claims - 35 USC §102

The Examiner maintained his rejection of claims 1-3, 5 and 11 under 35 USC 102(b) as being anticipated by *Weir* (U.S. 3,613,910). In response to Applicant's arguments that the stacker crane of *Weir* does not constitute a "conveyor", as recited by the element of claim 1 requiring a "traveling conveyor", the Examiner stated that in the absence of the claim stating a type of conveyor he was free to interpret the term as including stacker cranes, since such cranes are for moving things about. The Examiner further stated that if Applicant considers a type of conveyor as part of the invention, it should be recited in the claim.

Although Applicant continues to believe that stacker cranes do not meet the definition of "conveyors", Applicant has, in light of the Examiner's arguments, amended claim 1 to specifically recite that the traveling conveyor comprises:

an elongate, generally horizontal deck for supporting rows of multiple pallets that form said individual loads; and
means for propelling said rows of pallets in a generally horizontal direction relative to said elongate deck

Applicant respectfully submits that the amended language clearly differentiates this element of the claim from the stacker crane of *Weir*. Applicant therefore submits that the rejection of claim 1 and its dependent claims 3, 5 and 11 under 35 USC 102(b) as being anticipated by *Weir* is overcome.

b. Response to Claim Rejections - 35 USC §103

Claim 4 was rejected under 35 USC §103(a) over *Weir* in view of *Hayashi* (U.S. 5,082,415), claims 6-8 were rejected over *Weir* in view of *Tharpe* (U.S. 5,887,699), claim 9 was rejected over *Weir* in view of *Tharpe* and *Ringer* (U.S. 4,093,084), claims 10 and 14 were rejected over *Weir* in view of *Tharpe* and *Thornton* (U.S. 5,054,987), claims 12-13 were rejected over *Weir* in view of *Tharpe*, *Thornton* and *Barski* (U.S. 3,042,230), claim 15 was rejected over *Weir* in view of *Tharpe*, *Thornton* and *Winski* (U.S. 5,562,403), claims 16-18 and 22-26 were rejected over *Thornton* in view of *Holz* (U.S. 6,056,497), and claim 19 was rejected over *Thornton* in view of *Holz* and *Barski*.

With regard to claims 4, 6-8, 9-10 and 12-15, all depend from claim 1 and therefore include the limitations thereof. For the reasons explained above, the primary reference (*Weir*) does not show the traveling conveyor of amended claim 1, and the secondary references add nothing that would teach or suggest this element. Accordingly, it is submitted that the rejection of these claims under 35 USC §103(a) is overcome.

With respect to claims 16-19 and 22-26, Applicant respectfully traverses the rejections. In response to Applicant's previous arguments that the references do not show an unloading paddle with means for moving the paddle from a retracted position beneath the upper surface of a dock to a deployed position above the upper surface as required by claim 16, the Examiner stated "*Holz*'s paddle curls over from being above a deck surface 7 (FIG. 3: 40) to a retracted position, i.e. below surface 7, as chain 30 traverses sprocket 32."

Applicant respectfully disagrees: As can be seen in FIG. 3 and as is expressly stated at column 4, lines 43-53, the pusher 40 of *Holz* includes a depending lug 44 that contacts the underlying sprocket to cam the pusher out of engagement with the chain, with the result that the chain cannot curl or otherwise draw the pusher under the deck. Consequently, *Holz*'s pusher always remains above the surface of the deck to act as a stop, even if the operator forgets to stop it manually (column 5, lines 59-62), and is never retracted beneath it.

Holz therefore fails to show means for moving an unloading paddle from a retracted position beneath the upper surface of a dock to a deployed position in which the paddle projects above the surface of the dock, as is expressly required by independent claim 16. The secondary references add nothing that would teach or suggest this element. Applicant therefore respectfully submits that claim 16 and its dependent claims 17-19 and 22-26 are patentably distinct over the references, and requests that the rejection thereof under 35 USC §103(a) be reconsidered and withdrawn.

c. Conclusion

Applicant respectfully requests reconsideration of the present application in view of the remarks set forth herein. It is believed that the claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 5th day of October 2007.

Respectfully submitted,

JOHN H. RALLIS

By

Todd N. Hathaway, Reg. No. 32,991
119 N. Commercial St. #620
Bellingham, WA 98225-4437
(360) 647-1976